S.B.Cr. Revision No. 113/2006
(Mohar Singh Vs. State of Rajasthan & Ors.)

Date of order : 25/4/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Vineet Jain on behalf of
Mr. Anil Upadhyay for the petitioner.
Mr. J.P.S.Choudhary, public prosecutor for the State.

By the instant criminal revision petition, the petitioner has challenged the judgment and order dated 25.11.2005 passed by Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Churu (for short 'the trial court' hereinafter) in Sessions Case No.20/2005, whereby the trial court acquitted the accused-non-petitioners No.2 and 3 of the offences under Sections 447 and 427 IPC and Section 3 (1)(x) of SC/ST (Prevention of Atrocities) Act, 1989 (for short 'the Act' hereinafter).

Before the trial court, it was the State case titled as "State of Rajasthan Vs. Jaisingh and Anr.". However, State of Rajasthan has neither filed leave to appeal nor appeal before this Court against the judgment and order impugned. However, the complainant petitioner has filed the instant revision petition.

I have carefully gone through the judgment and order impugned.

The complainant-petitioner PW-2 Moharsingh stated that one Narendra broke open the lock and wanted to take

possession of the house. Narendra is not the accused in the present case. PW-1 Ram Niwas stated that though it was Moharsingh, the petitioner-complainant who purchased the house in question but it was in possession of Jaisingh, non-petitioner No.2. However, it is the case of the non-petitioners No.2 and 3 that they re-purchased the house in question in a sum of Rs.40,000/- on 27.5.2004.

So far as the possession of the house in question is concerned, it has not been established that the possession was ever handed over to the petitioner complainant by the non-petitioners No.2 and 3. It appears from the record that originally the house in question was belonging to the non-petitioners No.2 and 3 and they continued to remain in possession as stated by the accused non-petitioners in their statement and therefore, the trial court came to the conclusion that the prosecution has failed to prove the case beyond reasonable doubt against the non-petitioners No.2 and 3.

On close scrutiny of the statement of witnesses, I do not find any error, illegality or perversity in the judgment and order impugned.

The revision petition is accordingly dismissed.

(H.R.PANWAR),J.

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